

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 352**

---

---

**Introduced by Senator Pavley  
(Principal coauthor: Senator Hernandez)**

February 20, 2013

---

---

An act to amend Section 2069 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 352, as amended, Pavley. Medical assistants: supervision.

Existing law authorizes a medical assistant to perform specified services relating to the administration of medication and performance of skin tests and simple routine medical tasks and procedures upon specific authorization from and under the supervision of a licensed physician and surgeon or podiatrist, or in a specified clinic upon specific authorization of a physician assistant, nurse practitioner, or nurse-midwife. *Existing law requires the Board of Registered Nursing to issue a certificate to practice nurse-midwifery to a qualifying applicant who is licensed pursuant to the Nursing Practice Act.*

This bill would delete the requirement that the services performed by the medical assistant be in a specified clinic when under the specific authorization of a physician assistant, nurse practitioner, or *certified* nurse-midwife. The bill would also delete several obsolete references and make other *conforming*, technical, and nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2069 of the Business and Professions  
2 Code is amended to read:

3     2069. (a) (1) Notwithstanding any other ~~provision of law, a~~  
4 medical assistant may administer medication only by intradermal,  
5 subcutaneous, or intramuscular injections and perform skin tests  
6 and additional technical supportive services upon the specific  
7 authorization and supervision of a licensed physician and surgeon  
8 or a licensed podiatrist. A medical assistant may also perform all  
9 these tasks and services ~~in a clinic licensed pursuant to subdivision~~  
10 ~~(a) of Section 1204 of the Health and Safety Code~~ upon the specific  
11 authorization of a physician assistant, a nurse practitioner, or a  
12 *certified* nurse-midwife.

13     (2) The supervising physician and surgeon ~~at a clinic described~~  
14 ~~in paragraph (1)~~ may, at his or her discretion, in consultation with  
15 the nurse practitioner, *certified* nurse-midwife, or physician  
16 assistant, provide written instructions to be followed by a medical  
17 assistant in the performance of tasks or supportive services. These  
18 written instructions may provide that the supervisory function for  
19 the medical assistant for these tasks or supportive services may be  
20 delegated to the nurse practitioner, *certified* nurse-midwife, or  
21 physician assistant within the standardized procedures or protocol,  
22 and that tasks may be performed when the supervising physician  
23 and surgeon is not onsite, ~~so long as if either of the following apply:~~

24     (A) The nurse practitioner or *certified* nurse-midwife is  
25 functioning pursuant to standardized procedures, as defined by  
26 Section 2725, or protocol. The standardized procedures or protocol  
27 shall be developed and approved by the supervising physician and  
28 ~~surgeon, surgeon and~~ the nurse practitioner or *certified*  
29 nurse-midwife, ~~and the facility administrator or his or her designee.~~

30     (B) The physician assistant is functioning pursuant to regulated  
31 services defined in Section 3502 and is approved to do so by the  
32 supervising physician ~~or~~ and surgeon.

33     (b) As used in this section and Sections 2070 and 2071, the  
34 following definitions ~~shall~~ apply:

35     (1) “Medical assistant” means a person who may be unlicensed,  
36 who performs basic administrative, clerical, and technical  
37 supportive services in compliance with this section and Section  
38 2070 for a licensed physician and surgeon or a licensed podiatrist,

1 or group thereof, for a medical or podiatry corporation, for a  
2 physician assistant, a nurse practitioner, or a *certified*  
3 nurse-midwife as provided in subdivision (a), or for a health care  
4 service plan, who is at least 18 years of age, and who has had at  
5 least the minimum amount of hours of appropriate training pursuant  
6 to standards established by the ~~Division of Licensing~~ board. The  
7 medical assistant shall be issued a certificate by the training  
8 institution or instructor indicating satisfactory completion of the  
9 required training. A copy of the certificate shall be retained as a  
10 record by each employer of the medical assistant.

11 (2) “Specific authorization” means a specific written order  
12 prepared by the supervising physician and surgeon or the  
13 supervising podiatrist, or the physician assistant, the nurse  
14 practitioner, or the *certified* nurse-midwife as provided in  
15 subdivision (a), authorizing the procedures to be performed on a  
16 patient, which shall be placed in the patient’s medical record, or  
17 a standing order prepared by the supervising physician and surgeon  
18 or the supervising podiatrist, or the physician assistant, the nurse  
19 practitioner, or the *certified* nurse-midwife as provided in  
20 subdivision (a), authorizing the procedures to be performed, the  
21 duration of which shall be consistent with accepted medical  
22 practice. A notation of the standing order shall be placed on the  
23 patient’s medical record.

24 (3) “Supervision” means the supervision of procedures  
25 authorized by this section by the following practitioners, within  
26 the scope of their respective practices, who shall be physically  
27 present in the treatment facility during the performance of those  
28 procedures:

29 (A) A licensed physician and surgeon.

30 (B) A licensed podiatrist.

31 (C) A physician assistant, nurse practitioner, or *certified*  
32 nurse-midwife as provided in subdivision (a).

33 (4) “Technical supportive services” means simple routine  
34 medical tasks and procedures that may be safely performed by a  
35 medical assistant who has limited training and who functions under  
36 the supervision of a licensed physician and surgeon or a licensed  
37 podiatrist, or a physician assistant, a nurse practitioner, or a  
38 *certified* nurse-midwife as provided in subdivision (a).

39 (c) Nothing in this section shall be construed as authorizing ~~the~~  
40 *any of the following*:

1 (1) ~~The licensure of medical assistants. Nothing in this section~~  
 2 ~~shall be construed as authorizing the~~

3 (2) ~~The administration of local anesthetic agents by a medical~~  
 4 ~~assistant. Nothing in this section shall be construed as authorizing~~  
 5 ~~the division to~~

6 (3) ~~The board to adopt any regulations that violate the~~  
 7 ~~prohibitions on diagnosis or treatment in Section 2052.~~

8 (4) ~~A medical assistant to perform any clinical laboratory test~~  
 9 ~~or examination for which he or she is not authorized by Chapter~~  
 10 ~~3 (commencing with Section 1200).~~

11 (5) ~~A nurse practitioner, certified nurse-midwife, or physician~~  
 12 ~~assistant to be a laboratory director of a clinical laboratory, as~~  
 13 ~~those terms are defined in paragraph (8) of subdivision (a) of~~  
 14 ~~Section 1206 and subdivision (a) of Section 1209.~~

15 (d) ~~Notwithstanding any other provision of law, a medical~~  
 16 ~~assistant may shall not be employed for inpatient care in a licensed~~  
 17 ~~general acute care hospital, as defined in subdivision (a) of Section~~  
 18 ~~1250 of the Health and Safety Code.~~

19 (e) ~~Nothing in this section shall be construed as authorizing a~~  
 20 ~~medical assistant to perform any clinical laboratory test or~~  
 21 ~~examination for which he or she is not authorized by Chapter 3~~  
 22 ~~(commencing with Section 1206.5). Nothing in this section shall~~  
 23 ~~be construed as authorizing a nurse practitioner, nurse-midwife,~~  
 24 ~~or physician assistant to be a laboratory director of a clinical~~  
 25 ~~laboratory, as those terms are defined in paragraph (8) of~~  
 26 ~~subdivision (a) of Section 1206 and subdivision (a) of Section~~  
 27 ~~1209.~~

28 SECTION 1. ~~Section 2069 of the Business and Professions~~  
 29 ~~Code is amended to read:~~

30 2069. ~~(a) (1) Notwithstanding any other law, a medical~~  
 31 ~~assistant may administer medication only by intradermal,~~  
 32 ~~subcutaneous, or intramuscular injections and perform skin tests,~~  
 33 ~~and additional technical supportive services upon the specific~~  
 34 ~~authorization and supervision of a licensed physician and surgeon~~  
 35 ~~or a licensed podiatrist. A medical assistant may also perform all~~  
 36 ~~these tasks and services upon the specific authorization of a~~  
 37 ~~physician assistant, a nurse practitioner, or a nurse-midwife.~~

38 (2) ~~The supervising physician and surgeon may, at his or her~~  
 39 ~~discretion, in consultation with the nurse practitioner,~~  
 40 ~~nurse-midwife, or physician assistant, provide written instructions~~

1 to be followed by a medical assistant in the performance of tasks  
2 or supportive services. These written instructions may provide that  
3 the supervisory function for the medical assistant for these tasks  
4 or supportive services may be delegated to the nurse practitioner,  
5 nurse-midwife, or physician assistant within the standardized  
6 procedures or protocol, and that tasks may be performed when the  
7 supervising physician and surgeon is not onsite, if either of the  
8 following apply:

9 (A) The nurse practitioner or nurse-midwife is functioning  
10 pursuant to standardized procedures, as defined by Section 2725,  
11 or protocol. The standardized procedures or protocol shall be  
12 developed and approved by the supervising physician and surgeon,  
13 the nurse practitioner or nurse-midwife, and the facility  
14 administrator or his or her designee.

15 (B) The physician assistant is functioning pursuant to regulated  
16 services defined in Section 3502 and is approved to do so by the  
17 supervising physician and surgeon.

18 (b) As used in this section and Sections 2070 and 2071, the  
19 following definitions apply:

20 (1) “Medical assistant” means a person who may be unlicensed,  
21 who performs basic administrative, clerical, and technical  
22 supportive services in compliance with this section and Section  
23 2070 for a licensed physician and surgeon or a licensed podiatrist,  
24 or group thereof, for a medical or podiatry corporation, for a  
25 physician assistant, a nurse practitioner, or a nurse-midwife as  
26 provided in subdivision (a), or for a health care service plan, who  
27 is at least 18 years of age, and who has had at least the minimum  
28 amount of hours of appropriate training pursuant to standards  
29 established by the board. The medical assistant shall be issued a  
30 certificate by the training institution or instructor indicating  
31 satisfactory completion of the required training. A copy of the  
32 certificate shall be retained as a record by each employer of the  
33 medical assistant.

34 (2) “Specific authorization” means a specific written order  
35 prepared by the supervising physician and surgeon or the  
36 supervising podiatrist, or the physician assistant, the nurse  
37 practitioner, or the nurse-midwife as provided in subdivision (a),  
38 authorizing the procedures to be performed on a patient, which  
39 shall be placed in the patient’s medical record, or a standing order  
40 prepared by the supervising physician and surgeon or the

1 supervising podiatrist, or the physician assistant, the nurse  
2 practitioner, or the nurse-midwife as provided in subdivision (a),  
3 authorizing the procedures to be performed, the duration of which  
4 shall be consistent with accepted medical practice. A notation of  
5 the standing order shall be placed on the patient's medical record.

6 (3) ~~“Supervision” means the supervision of procedures~~  
7 ~~authorized by this section by the following practitioners, within~~  
8 ~~the scope of their respective practices, who shall be physically~~  
9 ~~present in the treatment facility during the performance of those~~  
10 ~~procedures:~~

11 (A) ~~A licensed physician and surgeon.~~

12 (B) ~~A licensed podiatrist.~~

13 (C) ~~A physician assistant, nurse practitioner, or nurse-midwife~~  
14 ~~as provided in subdivision (a).~~

15 (4) ~~“Technical supportive services” means simple routine~~  
16 ~~medical tasks and procedures that may be safely performed by a~~  
17 ~~medical assistant who has limited training and who functions under~~  
18 ~~the supervision of a licensed physician and surgeon or a licensed~~  
19 ~~podiatrist, or a physician assistant, a nurse practitioner, or a~~  
20 ~~nurse-midwife as provided in subdivision (a).~~

21 (e) ~~Nothing in this section shall be construed as authorizing any~~  
22 ~~of the following:~~

23 (1) ~~The licensure of medical assistants.~~

24 (2) ~~The administration of local anesthetic agents by a medical~~  
25 ~~assistant.~~

26 (3) ~~The board to adopt any regulations that violate the~~  
27 ~~prohibitions on diagnosis or treatment in Section 2052.~~

28 (e) ~~Nothing in this section shall be construed as authorizing a~~  
29 ~~medical assistant to perform any clinical laboratory test or~~  
30 ~~examination for which he or she is not authorized by Chapter 3~~  
31 ~~(commencing with Section 1206.5). Nothing in this section shall~~  
32 ~~be construed as authorizing a nurse practitioner, nurse-midwife,~~  
33 ~~or physician assistant to be a laboratory director of a clinical~~  
34 ~~laboratory, as those terms are defined in paragraph (8) of~~  
35 ~~subdivision (a) of Section 1206 and subdivision (a) of Section~~  
36 ~~1209.~~

37 (d) ~~Notwithstanding any other law, a medical assistant shall not~~  
38 ~~be employed for inpatient care in a licensed general acute care~~  
39 ~~hospital, as defined in subdivision (a) of Section 1250 of the Health~~  
40 ~~and Safety Code.~~

1     ~~(4) A medical assistant to perform any clinical laboratory test~~  
2     ~~or examination for which he or she is not authorized by Chapter~~  
3     ~~3 (commencing with Section 1200):~~

4     ~~(5) A nurse practitioner, nurse-midwife, or physician assistant~~  
5     ~~to be a laboratory director of a clinical laboratory, as those terms~~  
6     ~~are defined in paragraph (8) of subdivision (a) of Section 1206~~  
7     ~~and subdivision (a) of Section 1209:~~

O